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7

8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10 PARKRIDGE LIMITED, a Hong Kong corporation, by Mabel Mak, and MABEL MAK, an individual,	CASE NO. 16-CV-07387-KAW
12 Plaintiffs,	**DECLARATION OF PRAVEEN NARRA KUMAR IN SUPPORT OF PETITION FOR AN ORDER COMPELLING ARBITRATION PURSUANT TO 9 U.S.C. § 4**
13 v.	
14 INDYZEN, INC., a California corporation, and PRAVEEN NARRA KUMAR, an individual,	Date: January 18, 2018 Time: 11:00 AM Dept.: TBD Judge: Hon. Kandis A. Westmore
16 Defendants.	

18

19   I, Praveen Narra Kumar, declare as follows:

20   1.   I am the Chief Executive Officer and founder of Indyzen, Inc. ("Indyzen"). I make

21 this declaration in support of Indyzen's Petition for an Order Compelling Arbitration pursuant to

22 9 U.S.C. § 4. The facts stated herein are true of my knowledge, except for those based on

23 information and belief which I believe to be true. If called upon, I could and would competently

24 testify thereto.

25   2.   Indyzen specializes in software, web, and mobile development for businesses. In or

26 around June 2013, I met Randy Dobson ("Dobson") at a professional development event. As

27 discussed throughout this declaration and in the accompanying memorandum of points and

28

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1   authorities, Dobson runs a growing fitness empire using a vast interconnected web of companies.

2   Parkridge Limited ("Parkridge") is one of these companies. Some of the other major companies

3   in this interconnected web that are referenced throughout this declaration and its accompanying

4   documents are California Management Group a/k/a CMG.Asia ("CMG"), California Fitness &

5   Yoga Centers ("CFYC"), F8 Vietnam Company Limited ("F8 Company") and Boon Global

6   Limited ("Boon").

7   3.   At the June 2013 professional development event, Dobson and I discussed an idea

8   for an app that could connect personal fitness trainers with clients through a personality matching

9   system (the "Morfit App").   By August 23, 2013, Dobson had formed Parkridge to contract to

10 develop the Morfit App, listing his wife, Plaintiff Mabel Mak ("Mak"), as Parkridge's owner.

11   4.   Parkridge is just a shell company of Dobson's. It has no employees or physical

12 office space, and does not follow basic corporate formalities like issuing shares or holding annual

13 board or shareholder meetings. Parkridge exists solely for Dobson to contract to develop the

14 Morfit App.

15   5.   At first, Dobson contracted with a company called Tibco Software ("Tibco") to

16 develop the Morfit App. Dobson initially negotiated the contract with Tibco using another one of

17 his companies called Mega Plus Management, but later switched to use the Parkridge name for

18 the contract. Although Tibco was paid substantially, it soon became apparent that the work that

19 they were doing was not satisfactory, and Dobson wanted out of the Tibco contract. After

20 Dobson got out of the Tibco contract, he then asked Indyzen and me to develop the Morfit App.

21   6.   Indyzen and Parkridge entered into the agreement dated January 5, 2015 for

22 Indyzen to design the Morfit App (the "Morfit Agreement"). I signed on behalf of Indyzen in my

23 capacity as CEO, and Dobson signed on behalf of Parkridge as its CEO.

24   7.   Ultimately, Indyzen delivered the Morfit App to Dobson but was never fully paid.

25 After Indyzen delivered the Morfit App to Parkridge, Dobson used CMG, CFYC, F8 Company,

26 and Boon to steal the Morfit App and its intellectual property by cloning it without authorization,

27 before renaming it and selling it out to the world as discussed below.

28   8.   As mentioned above, Dobson uses a web of interconnected companies to run his

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DECLARATION OF PRAVEEN NARRA KUMAR

1   fitness empire, but they all act as one and the same. To begin with, a few weeks after the signing

2   of the Morfit Agreement, in January 2015, Dobson emailed me saying that the payments to

3   Indyzen would be made by yet another company of his called R&R Fitness Holdings ("R&R"),

4   because Dobson "wanted to keep money flow directly out of Parkridge until we are clear of any

5   legal issues with Tibco. Once we are certain no legal issues with Tibco, then R&R will invoice

6   Parkridge for the money." True and correct copies of emails regarding this attempt to keep

7   money out of Parkridge to avoid legal issues are attached hereto as **Exhibit A**.

8   9.   Additionally, at all times during the Morfit App's development, Indyzen interacted

9   with Dobson and individuals at CMG and CFYC. Further, Dobson has taunted me that he is

10 willing to take action to evade litigation, even if that means opening additional companies as he

11 deems necessary. He has also boasted to me that he believes he can shield himself from

12 American law enforcement through the use of offshore banking accounts and entities in the

13 British Virgin Islands and Hong Kong, and has told me that he would be willing to forfeit his

14 United States citizenship to shield himself from American law enforcement.
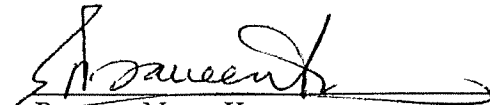
15   10   Parkridge, CMG, and CFYC act as one and the same entity, and Dobson has used

16 them all as fronts to work with Narra and Indyzen during the development of the Morfit App.

17 CMG and CFYC are used interchangeably throughout CMG's website. True and correct copies

18 of screenshots from CMG's website are attached hereto as **Exhibit B**. Dobson and many of the

19 same officers and top employees run the CMG and CFYC companies in the same capacities.

20 "WHOIS" is a website that describes information about the registration details of websites across

21 the internet. I ran a WHOIS search on CMG.Asia, and the search shows that the CMG website

22 was registered by a CFYC email address. True and correct copies of a screenshot of the WHOIS

23 search results for CMG.Asia are attached hereto as **Exhibit C**. Dobson routinely conducts CFYC

24 business from his CMG email address and did this in communications with Indyzen throughout

25 the development of the Morfit App. True and correct copies of emails showing this pattern of

26 Dobson's email habits is attached hereto as **Exhibit D**. At Dobson's direction, CFYC worked

27 with Indyzen for several months on the Morfit App, and Dobson even directed his employees at

28 CFYC to assist Indyzen personnel to get work visas so that they could travel to Vietnam to work

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1   with CFYC employees on developing the Morfit App for him, and true and correct copies of

2   emails reflecting this are attached hereto as **Exhibit E**. During that visit to Vietnam, Indyzen

3   employees worked to customize the Morfit App exclusively for CFYC's needs, working with

4   many CFYC employees on the ground at CFYC's offices. True and correct copies of emails

5   showing Dobson sending Indyzen information about CFYC trainers for Indyzen to customize

6   Morfit App work are in **Exhibit D** (mentioned above and attached hereto). On May 11, 2015,

7   before this litigation began, Dobson posted on his personal Facebook page (that I had access to as

8   a Facebook friend) that it was the "[o]fficial launch day of our new Morfit platform at Cfyc [*sic*]

9   Vietnam", and set the location for the post as CFYC's headquarters. A true and correct copy of

10   this Facebook post is attached hereto as **Exhibit F**. At Dobson's request, I personally went to

11   CFYC's headquarters to assist Dobson in presenting the official launch of the Morfit App to an

12   audience that consisted of mostly CFYC trainers. True and correct copies of pictures of me on

13   stage with Dobson at this launch are attached hereto as **Exhibit G**. On August 24, 2017, in the

14   middle of arbitration, CMG's Director of Human Resources sent an email out to the entire staff at

15   CFYC, as well as the Executive Vice President of Operations at CMG, instructing them to "shred

16   all documents containing confidential and sensitive information when it is not used." A true and

17   correct copy of this email is attached hereto as **Exhibit H**.

18   11   F8 Company and Boon are also part of Dobson's network of companies, such that

19   Parkridge, CMG, and CFYC are one and the same as F8 Company and Boon. "WHOIS" is a

20   website that describes information about the registration details of websites across the internet. I

21   ran a WHOIS search on F8Fit.com, which markets the LEEP app (which is just the renamed

22   version of the F8Fit App), and the search shows that the F8Fit website was registered by a CFYC

23   email address. True and correct copies of a screenshot of the homepage for F8Fit.com and the

24   WHOIS search results for F8Fit.com are attached hereto as **Exhibit I**. On April 9, 2017, an email

25   was sent from the Senior HR Operations & Recruitment Manager at CFYC to all CFYC staff

26   containing a list of available job openings. Openings for F8Fit were included on this list. A true

27   and correct copy of this email is attached hereto as **Exhibit J**. On August 17, 2017, an email was

28   sent from the Director of Human Resources at CMG to all CFYC staff, and also an individual

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with a F8 Fit email address, announcing the official launch of the LEEP App, which is explicitly described as being "formerly known as F8 Fit." A true and correct copy of this email is attached hereto as **Exhibit K**. The F8Fit App is sold on Google Play, which lists the entity that registered the app as Boon. Further, the developer's contact email address listed for the F8Fit App on this Google Play page is Alfred Mak's, who is Mabel Mak's brother. The F8Fit App is also listed on the Apple iTunes Store as being registered by Boon. A true and correct copy of these Google Play and iTunes Store listings are attached hereto as **Exhibit L**. I ran a search on Justia for the F8Fit trademark, which shows that Boon is the current owner of the F8Fit trademark. A true and correct copy of the results from this Justia search is attached hereto as **Exhibit M**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 14, 2017.

Praveen Narra Kumar

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